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Attorney Docket No. 329228001US6

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Date: August 19, 2004By: Sandy Reisman
Sandy Reisman

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KENT D. ELLIS *ET AL.*

APPLICATION No.: 10/657,809

FILED: SEPTEMBER 8, 2003

FOR: **HEATING PAD SYSTEMS, SUCH AS FOR
PATIENT WARMING APPLICATIONS**

EXAMINER: JOHN A. JEFFERY

ART UNIT: 3742

CONF. No: 1125

**Third Supplemental Information Disclosure Statement After First Office
Action but Before Final Action or Notice of Allowance – 37 C.F.R. § 1.97(c)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information☐ Copies of the following references are enclosed:

- ☐ All cited references
- ☐ References marked by asterisks
- ☐ The following:

- ☐ Copies of the following references can be found in parent U.S. Application No. :
- ☐ All cited references
 - ☐ References marked by asterisks
 - ☐ The following:
- ☒ This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- ☐ The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
- ☐ All cited references
 - ☐ References marked by ampersands
 - ☐ The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

- ☐ Applicant elects to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
- ☐ Check enclosed for \$
 - ☐ Please charge the above fee(s) to Deposit Account No. 50-0665 this paper is provided in triplicate.
- ☒ Applicant submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
- ☐ In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or

- ☒ In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.
- ☒ Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

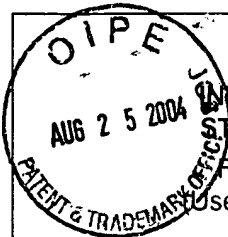
Respectfully submitted,
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**Form PTO-1449 (Modified)
Use several sheets if necessary)**COMPLETE IF KNOWN**

Application Number	10/657,809
Confirmation Number	1125
Filing Date	September 8, 2003
First Named Inventor	Kent D. Ellis
Group Art Unit	3742
Examiner Name	Unknown
Attorney Docket No.	329228001US6

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		2,630,288		Eubanks, Sr.	3/3/1953	
		5,284,701		Hamon	2/8/1994	
		2001/0022804	A1	Helmig et al.	9/20/2001	
		2002/0117495	A1	Kochman et al.	8/29/2002	
		6,582,456	B1	Hand et al.	6/24/2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).